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2
3 **STATE OF CALIFORNIA**
4 **WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**

6 **TO:** Lake of the Woods Mutual Water Company
7 7025 Cuddy Valley Road #F
8 Frazier Park, CA 93225
9

10 **Attn:** Diane Gustafson, Office Manager
11

12 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
13 **TITLE 22, SECTION 64426.1 (b)(2) - WATER SYSTEM NO. 1510023**

14 **C I T A T I O N N O. 03-19-14C-017**

15 **Issued on October 23, 2014**
16

17 Section 116650 of the California Health and Safety Code authorizes the issuance of a
18 citation to a public water system for violation of the California Safe Drinking Water
19 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
20 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
21 or order issued or adopted thereunder.
22

23 The State Water Resources Control Board, acting by and through its Division of
24 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
25 (hereinafter "Deputy Director"), hereby issues a citation to the Lake of the Woods
26 Mutual Water Company (hereinafter, Water Company) for violation of California
27 Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

STATEMENT OF FACTS

1 Lake of the Woods Mutual Water Company (hereinafter Water Company) is classified
2 as a community water system and serves a population of approximately 953 persons
3 through 397 service connections. The Water Company has five (5) active sources of
4 supply, Well 01 (PS Code: 1510023-005), Well 02 (PS Code: 1510023-006), Well 03
5 (PS Code: 1510023-007), Well 04 (PS Code: 1510023-009), and Well 05 (PS Code:
6 1510023-010). Continuous chlorination treatment is currently provided to the well
7 water. Out of the five aforementioned sources, only Wells 01, 02, and 04 are currently
8 running and able to produce water. The remaining two wells, Well 03 and Well 05,
9 have dried up due to ongoing drought conditions in the area. To meet the water
10 demand, the Water Company has been hauling potable water and has also
11 implemented various water conservation measures. The Water Company is planning
12 to drill two new test wells to increase its production capacity. The Water Company
13 operates under the authority of a domestic water supply permit (No. 03-19-11P-025),
14 issued on December 30, 2011, by the California Department of Public Health, now
15 State Water Resources Control Board.
16

- 17 • The Water System collects six (6) routine bacteriological samples from the
18 distribution system every month.
- 19 • Three (3) routine bacteriological quality samples collected on June 16, 2014,
20 tested negative for total coliform bacteria.
- 21 • Two (2) out of three (3) routine bacteriological quality samples collected on
22 June 23, 2014, from the distribution system, tested positive for total coliform
23 bacteria.
- 24 • **Lake of the Woods Mutual Water Company failed the total coliform**
25 **maximum contaminant level (MCL) for June 2014 [Section 64426.1(b)(2),**
26 ***Authorities*].**
27

- 1 • All seven (7) repeat bacteriological quality samples collected on June 24, 2014,
2 from the distribution system and two (2) repeat samples collected on the same
3 day from the Water Company's two storage tanks tested negative for total
4 coliform bacteria.
- 5 • Three (3) samples collected from Well 01, Well 02 and Well 04 on June 24,
6 2014, for compliance with the Ground Water Rule's triggered source sampling
7 requirement, tested negative for total coliform bacteria.
- 8 • None of the bacteriological quality samples collected from the distribution
9 system or the system wells in June 2014 tested positive for *E.coli* bacteria.
- 10 • On June 24, 2014, Rafael Molina Jr., the Water Company's certified
11 distribution operator and sampler notified the Division that the Water
12 Company failed the total coliform MCL for June of 2014.
- 13 • The Division emailed a public notification to the Water Company on July 21,
14 2014.
- 15 • On July 25, 2014, the Division received a signed and dated copy of the proof of
16 notification from the Water Company.
- 17 • On October 8, 2014, the Division received a signed and dated copy of the
18 public notice from the Water Company.
- 19 • On June 21, 2014, an investigation report template was emailed to the Water
20 Company for the June total coliform MCL failure.
- 21 • On October 15, 2014, the Department received a completed copy of the
22 investigation report (completed by Rafael Molina Jr.) in response to the June
23 2014 total coliform MCL failure.
- 24 • According to the investigation report, bacteriological contamination in June
25 2014 may have occurred during transportation of hauled water from the
26 neighboring Lebec County Water District. As a result, the Water Company
27 requested Lebec County Water District to increase chlorine residual in their

1 water and also advised the water hauler to be more careful when transporting
2 water.

- 3 • All monthly routine samples collected in July, August, and September 2014,
4 tested negative for total coliform bacteria.
- 5 • Results of all bacteriological samples collected from January 2014 to
6 September 2014 are summarized in **Attachment A**.
- 7 • Provision No. 18 of Water Company's domestic water supply permit (No. 03-
8 19-11P-025, issued on December 30, 2011) requires conducting quarterly
9 bacteriological monitoring of raw water produced by each active well. A
10 review of the Division's records indicates that the **Water Company is not**
11 **conducting quarterly bacteriological monitoring of the raw water**
12 **produced by the wells, and thus not complying with Permit Provision No.**
13 **18.** Last bacteriological monitoring of the raw water was conducted in June
14 2014 when the Water Company failed the total coliform MCL. Prior to that,
15 raw water bacteriological monitoring was conducted in August 2013, in
16 response to the routine total coliform positive samples from distribution
17 system.

18 **AUTHORITIES**

19 **Section 116577 of the CHSC, states in relevant part:**

20 "(a) Each public water system shall reimburse the department for the actual costs incurred
21 by the department for any of the following enforcement activities related to that water system:

- 21 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 22 (2) Preparing, and issuing public notification

23 ...

24 (b) The department shall submit an invoice for these enforcement costs to the public
25 water system that requires payment prior to September 1 of the fiscal year following the fiscal
26 year in which the costs were incurred. The invoice shall indicate the total hours expended,
27 the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth
in the invoice shall not exceed the total actual costs to the department of the enforcement
activities specified in this section."...

**Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in
relevant part:**

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

“(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426 establishes the significant rise in bacteriological count and states in relevant part:

“(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

- (1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive samples in the repeat sample set;
- (2) A system has a sample which is positive for fecal coliform or E. coli; or
- (3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

- (2) Submit to the Department information on the current status of physical works and operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

- (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
- (B) Any interruptions in the treatment process;
- (C) System pressure loss to less than 5 psi;
- (D) Vandalism and/or unauthorized access to facilities;
- (E) Physical evidence indicating bacteriological contamination of facilities;
- (F) Analytical results of any additional samples collected, including source samples;
- (G) Community illness suspected of being waterborne; and
- (H) Records of the investigation and any action taken.”...

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Division determines that Lake of the Woods Mutual Water Company has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water Company violated the total coliform MCL for June 2014 when more than one sample collected in June 2014, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

DIRECTIVES

Lake of the Woods is hereby directed to take the following actions:

1. Starting fourth quarter of 2014, the Water Company shall conduct quarterly bacteriological monitoring of the raw water from each active well and the results shall be reported in MPN/100 ml.
2. The Water Company shall reimburse the Division, in accordance with an invoice that shall be provided to the Water Company, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Division) of the fiscal year following the fiscal

1 year in which such costs are incurred as described in CHSC Section
2 116577(a)(1-2) and 116577(b).

3 FURTHER ENFORCEMENT ACTIONS

4 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Division
5 to: issue additional citations with assessment of penalties if the public water system
6 continues to fail to correct a violation identified in a citation; take action to suspend or
7 revoke a permit that has been issued to a public water system if the system has violated
8 applicable law or regulations or has failed to comply with orders of the Division; and
9 petition the superior court to take various enforcement measures against a public water
10 system that has failed to comply with orders of the Division. The Division does not
11 waive any further enforcement action by issuance of this citation.

12 PARTIES BOUND

13 This citation shall apply to and be binding upon Lake of the Woods Mutual Water
14 Company, its officers, directors, agents, employees, contractors, successors, and
15 assignees.
16

17 SEVERABILITY

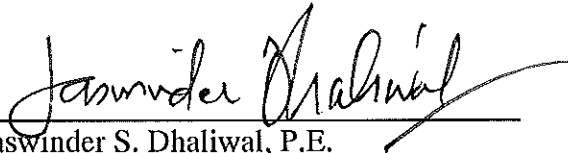
18 The directives of this citation are severable, and Lake of the Woods Mutual Water
19 Company shall comply with each and every provision thereof, notwithstanding the
20 effectiveness of any other provision.
21

22 CIVIL PENALTY

23 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil
24 penalty for the failure to comply with the requirements of the Safe Drinking Water
25 Act. Failure to comply with any Directive of this Citation may result in the Division
26 imposing an administrative penalty of not less than \$200 (two hundred dollars) for
27 each day that the violation continues beyond the date set for correction in this Citation.

The Division does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Oct. 23, 2014
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH

Attachment

Attachment A: Bacteriological Summary Jan. 2014 through Sep. 2014

cc: Kern County Environmental Health Services Department (w/o attachment)
Rafael Molina Jr., Sampler (via email)

Attachment A

Lake of the Woods MWC

1510023

Distribution System Freq: 2/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/1/2014		6 Samples	A	A		Routine	0.4 - 0.6		
2/1/2014		6 Samples	A	A		Routine	0.4		
3/1/2014		6 Samples	A	A		Routine	0.4 - 0.6		
4/1/2014		6 Samples	A	A		Routine	0.4 - 0.5		
5/1/2014		6 Samples	A	A		Routine	0.4		
6/16/2014	10:21	6517 Lakewood Dr.	A	A		Routine	0.5		
6/16/2014	10:36	233 Lakewood Dr.	A	A		Routine	0.6		
6/16/2014	10:46	7065 Lakeview Dr.	A	A		Routine	0.5		
6/23/2014	11:05	6517 Lakewood Dr.	A	A		Routine	0.4		
6/23/2014	11:12	233 Lakewood Dr.	P	A		Routine	0.4		
6/23/2014	11:18	7065 Lakeview Dr.	P	A		Routine	0.4	MCL	Cit. #03-19-14C-017 Issued.
6/24/2014	17:27	South Tank	A	A		Repeat	0.4		
6/24/2014	17:40	6919 Paige St.	A	A		Repeat	0.4		
6/24/2014	17:55	7065 Lakeview Dr.	A	A		Repeat	0.4		
6/24/2014	18:02	7140 Lakeview Dr.	A	A		Repeat	0.4		
6/24/2014	18:08	233 Lakeview Dr.	A	A		Repeat	0.5		
6/24/2014	18:16	212 Lakewood Dr.	A	A		Repeat	0.5		
6/24/2014	18:25	340 Lakewood Dr.	A	A		Repeat	0.5		
6/24/2014	18:36	North Tank #2	A	A		Repeat	0.3		
6/24/2014	18:37	North Tank #1	A	A		Repeat	0.5		
7/1/2014		6 Samples	A	A		Routine	0.6 - 1.0		
8/1/2014		6 Samples	A	A		Routine	0.4 - 0.5		
9/1/2014		6 Samples	A	A		Routine	0.4 - 0.5		

Lake of the Woods MWC

1510023

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
3/7/2013	12:05	Well 04	A	A			
7/1/2013	6:00	New Well	A	A			
8/7/2013	12:00	Well 02	A	A			
8/8/2013	17:30	Well 01	A	A			<i>GWR Sample</i>
8/8/2013	17:37	Well 04	A	A			<i>GWR Sample</i>
6/24/2014	17:03	Wells 01, 02, 04	A	A			<i>GWR Samples</i>